

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79198**RECEIVED****MAR 17 2014**Department of Water Resources
Eastern Region**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Ethlene
Marvin W & Ethlene S RockPhone (208)251-4535Mailing address 4615 W Old Highway 91 Inkom ID 83245

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____

Phone _____

Mailing address _____

Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ethlene S Rock

Signature of Applicant or Authorized Representative

Ethlene S Rock

Print Name and Title if applicable

3/17/14

Date

Marvin W Rock

Signature of Applicant or Authorized Representative

Marvin W Rock

Print Name and Title if applicable

3/17/14

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Ownership Split

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. The applicant has purchased the two irrigation rights from John M Dudunake. This water rights will be moved to a new place of use with a new point of diversion and overlapped with 29-495A.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-495A	.09 cfs	Irrigation	04/01 to 10/31	Blackrock Creek
☐ ☒	29-2409A	.06 cfs	Irrigation	04/01 to 10/31	Blackrock Creek
☒ ☐	29-13393	.04 cfs	Irrigation	04/01 to 10/31	Blackrock Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights _____ .19 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ .19 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NE	23	07S	35E	Bannock	Blackrock Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	23		4.5			.5												5

Total Acres (for irrigation use) _____ 5.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

Divert with a pump out of the creek and then sprinkle irrigate.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The current place of use will no longer be irrigated, the water will be moved to the new place of use.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Water right 29-495A is currently used to irrigate the existing place of use.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____



Proposed place of use and point of diversion

Marvin & Ethlene Rock

-  Township/Range
-  Sections
-  QQ



0 0.02 0.04 0.08 Miles

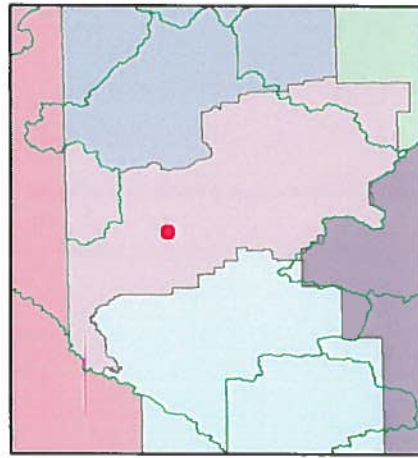
89198



Idaho Department of Water Resources

**Water Right
29-13393
(IRRIGATION)**

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



**Bannock County
IDWR Basin 29**

Prepared by Mathews, Kerrie

2009 Aerial Photography

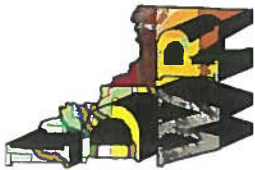
35E



07S



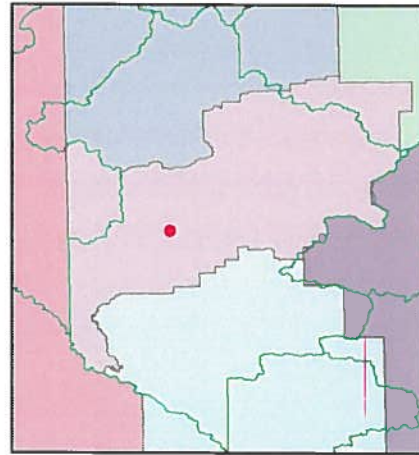
0 0.1 0.2 0.4 Miles



Idaho Department of Water Resources

**Water Right
29-2409a
(IRRIGATION)**

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Bannock County
IDWR Basin 29**

Prepared by Mathews, Kerrie

2009 Aerial Photography

35E



07S



0 0.0225 0.045 0.09 Miles

QUITCLAIM DEED

21303073

3-1 50th N
For Value Received, ~~JOHN~~ M DUDUNAKE, residing at 5406 West Old Hwy 91, Pocatello, Idaho, hereby convey, release, remise, and forever quit claim unto Marvin W. Rock and Ethlene S. Rock, husband, and wife, whose address is 4615 West Highway 91, Inkom, Idaho 83245

PROPERTY KNOWN AS:

DEEDED WATER RIGHT NUMBER 29-13393 AND
DEEDED WATER RIGHT NUMBER 29-2409A

Legal Attached

DATE: 2-21-13 John M. Dudunake JOHN M DUDUNAKE

OFFICIAL RECORD BK# 964
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 16 DEPUTY BM

STATE OF IDAHO,
County of BANNOCK.

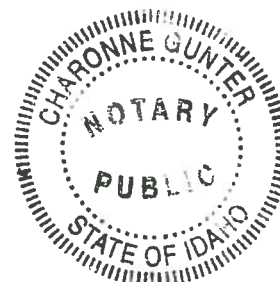
Ethlene Rock

21303073

2013 FEB 22 P 3: 22

On this date, 2-21-2013 before me, a Notary Public in and for the said State, personally appeared JOHN M. DUDUNAKE, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public: Charonne Hunter
Residing at: 2480 N. Blackrock Cyn. Rd.
Commission Expires: 5-23-2013



21303073

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13393

NAME AND ADDRESS: JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204

SOURCE: BLACKROCK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.040 CFS
USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHT NO.
29-02409A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06
CFS.

PRIORITY DATE: 06/17/1902

POINT OF
DIVERSION: T07S R35E S23 SWNWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.040 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T07S R35E S23 NWSE 2.0

2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-02409A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIALS: NONE RECEIVED

1904
- Rock

3.3

21303073

12/14/2010

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2409A

WATER RIGHT NUMBER: 29-2409A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601

Priority Date: 04/16/1959

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.060 CFS	8.00 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	0.60 AF
	<u>Total Diversion:</u>	0.060 CFS	8.60 AF

Location of Point(s) of Diversion

GROUND WATER

NW 1/4 NW 1/4 SE 1/4

Sec. 23, Twp 07S, Rge 35E, B.M.

BANNOCK County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	23															2.0		2.0

Total Acres: 2

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	23															X		

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E55 USE OF THIS RIGHT FOR WITH RIGHT NO. 29-13393 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2 ACRES IN A SINGLE IRRIGATION SEASON.
3. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED

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3/17/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601

Status: Active

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

IRRIGATION

04/01

10/31

0.060 CFS

8.0 AF

DOMESTIC

01/01

12/31

0.040 CFS

0.6 AF

Total Diversion

0.060 CFS

8.6 AF

GROUND WATER

NWNWSE

Sec. 23, Twp 07S, Rge 35E, BANNOCK County

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	23														2.0			2.0

POU Total Acres: 2.0

DOMESTIC within BANNOCK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	23														X			

1.	N12	THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	E51	USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHT NO. 29-13393 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.
3.	N10	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.	E55	USE OF THIS RIGHT FOR WITH RIGHT NO. 29-13393 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2 ACRES IN A SINGLE IRRIGATION SEASON.
5.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/17/2014

Water Right 29-13393

Owner Type **Name and Address**
Current Owner JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO, ID 83204
(208)775-3601

Priority Date: 6/17/1902

Basis: Decreed

Status: Active

Source
BLACKROCK CREEK

Tributary
PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion

BLACKROCK CREEK SWNWNE Sec. 23, Twp 07S, Rge 35E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	23														2.0			2.0

POU Total Acres: 2.0

Conditions of Approval:

1. E51 USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHT NO. 29-02409A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-02409A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.060		2.0
29-2409A ,29-13393		

SubCase:

N/A

Water Supply Bank:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

79198

3/17/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARVIN W ROCK 4615 W OLD HWY 91 INKOM, ID 83245 (208)775-4535

Status: Active

Tributary
PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.090 CFS	
STOCKWATER	04/01	10/31	0.020 CFS	
	Total Diversion		0.090 CFS	

BLACKROCK CREEK NWNWNE Sec. 23, Twp 07S, Rge 35E, BANNOCK County

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	23		3.0															3.0

POU Total Acres: 3.0

STOCKWATER within BANNOCK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	23		X															

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

N/A